

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Gary W. King Group Art Unit: 3762  
Application No.: 10/767,244 Examiner: George R. Evanisko  
Filed: January 27, 2004 Conf. No: 4773  
Title: Apparatus and Method for Expanding A Stimulation Lead Body In  
Situ

**CERTIFICATE OF MAILING OR TRANSMISSION:**

I hereby certify that this correspondence is being deposited

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Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450,  
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Rick L. Franzen

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

PETITION UNDER 37 C.F.R. 1.182

Applicant hereby petitions under Rule 37 C.F.R. 1.182 for the Commissioner to consider and affirmatively act upon Applicant's Petition for Revival of Application dated December 5, 2007.

## FACTS

1. The above-identified application became abandoned for failure to "timely or properly reply to the Notice of Allowance and Fee(s) Due mailed on August 24, 2007."

2. Applicant e-filed a Petition to Revive Unintentionally Abandoned Application Under 37 C.F.R. 1.137(b) and the appropriate Issue Fee and Publications Fee on December 5, 2007.

3. The Petition to Revive, and the Issue Fee and Publications Fee were received at the USPTO on December 5, 2007.

4. The Patent Office subsequently sent Applicant a "Notice of Abandonment" dated February 21, 2008. The Patent Office cited Applicant's Failure to Pay the Required Issue Fee and Publication Fee within the statutory period of three months from the mailing date of the Notice of Allowance.

5. It appears the Petition for Revival filed by Applicant on December 5, 2007, was not considered by the Patent Office prior to the Notice of Abandonment being mailed to the Applicant.

6. Applicants desire to have the Petition for Revival considered as soon as possible and that the Issue and Publications fees be accepted and a patent issue promptly upon acceptance of the fees.

#### **RELIEF SOUGHT**

Based on the above, Applicant respectfully requests that the Patent Office act upon the pending Petition to Revive and withdraw the Notice of Abandonment dated February 21, 2008, and allow the instant application to issue in due course.

#### **FEES**

The Commissioner is authorized to charge the \$400 Petition Fee to Deposit Account No. 13-2546.

The Commissioner is authorized to charge or credit any deficiencies or overpayments in connection with this Petition Under Rule 1.182 to Deposit Account No. 13-2546.

The Examiner is invited to contact the undersigned at [rick.l.franzen@medtronic.com](mailto:rick.l.franzen@medtronic.com) or at (763) 505-0405 should he have any questions or concerns.

Respectfully submitted,

Date: April 7, 2008



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